

LAWRENCE A. ORGAN (SBN 175503)
larry@civilrightsca.com

MARQUI HOOD (SBN 214718)
marqui@civilrightsca.com

CIMONE A. NUNLEY (SBN 326915)
cimone@civilrightsca.com

CALIFORNIA CIVIL RIGHTS LAW GROUP
332 San Anselmo Avenue
San Anselmo, California 94960
Telephone: (415)-453-7352
Facsimile: (415)-785-7352

J. BERNARD ALEXANDER (SBN 128307)
balexander@amflp.com

ALEXANDER MORRISON & FEHR LLP
1900 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 394-0888
Facsimile: (310) 394-0811

MICHAEL RUBIN (SBN 80618)
mrubin@altber.com

JONATHAN ROSENTHAL (SBN 329638)
jrosenthal@altber.com

ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

DUSTIN L. COLLIER (SBN 264766)
dcollier@collierlawsf.com

V. JOSHUA SOCKS (SBN 303443)
jssocks@collierlawsf.com

ELIZABETH R. MALAY (SBN 336745)
emalay@collierlawsf.com

DREW F. TETI (SBN 267641)
drew@collierlawsf.com

COLLIER LAW FIRM, LLP
240 Tamal Vista Blvd. Suite 100
Corte Madera, CA 94925
Telephone: (415) 767-0047
Facsimile: (415) 767-0037

Attorneys for Plaintiff,
OWEN DIAZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OWEN DIAZ,

Plaintiff,

v.

TESLA, INC. dba TESLA MOTORS, INC.;

Defendant.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF STEPHEN P.
BRUNNER IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES**

Trial Date: March 27, 2023

Complaint filed: October 16, 2017

DECLARATION OF STEPHEN P. BRUNNER

I, STEPHEN P. BRUNNER, declare:

1. I am above the age of eighteen years, and a lawyer licensed to practice in all courts of the State of California. I have personal knowledge of the facts set forth herein, except where stated as on information and belief and as to those facts, I believe them to be true. If called as a witness, I could and would testify competently.

2. I practice primarily in the area of business litigation. I have been an attorney for forty-two years, and practiced from the financial district of San Francisco since 1980, my entire career. I have a Bachelor of Science degree from the University of Texas at El Paso (the city where I was raised) and a Juris Doctorate from the University of San Francisco. I was lucky enough to have my first, first-chair jury trial in 1984, in successful defense of a bank against lender liability claims. Since 1980, I have jury trial and court trial experience in California superior courts, United States District courts for the Northern (San Francisco) and Eastern (Sacramento) Districts of California, and in the United States Bankruptcy Court for the Northern (Oakland) District of California. I have successfully briefed and argued appeals in the California Court of Appeal and the Ninth Circuit Court of Appeals. Unlike many trial lawyers, I do not know how many cases I have tried to verdict or judgment. I also have participated for many years in all forms of ADR, including binding arbitration. I have been "AV" rated by Martindale-Hubbell since first being rated in the early 1990s. My litigation practice is business-related (including employment) for plaintiffs and defendants, and has been since I started practicing. I am admitted in every federal district in California, have been admitted *pro hac vice* in federal district courts across the country, and currently am admitted *pro hac vice* in the Southern District of New York. I have appeared in and tried cases many times in 15-20 California county superior courts.

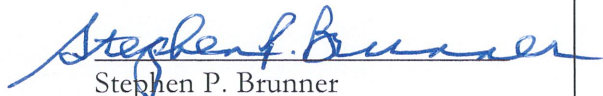
3. I know Dustin L. Collier as a lawyer of integrity and exceptional skill litigating and trying employment cases. Since 2012, Mr. Collier and I have served together as faculty members at annual trial and deposition skills trainings hosted by the National Institute for Trial Advocacy

1 ("NITA"), where I have been on the faculty since 2006. I am extremely familiar with Mr. Collier's trial
2 skills and strategy, having taught side by side with him on numerous occasions in NITA's multi-day,
3 lawyer training programs. Our faculty panels frequently include sitting California Superior Court
4 judges. NITA's trial skills and deposition skills programs have involved an employment-law factual
5 problem and casebook for many years. I know Mr. Collier's employment law skills. He is a hard-
6 working, dedicated, and highly-qualified instructor. When I have technical employment-law questions,
7 I call Mr. Collier; he is generous with his assistance.

8 4. Based on my extensive experience practicing law in the Bay Area, I am familiar with
9 the rates charged by Bay Area lawyers of varying levels of skill, experience, and reputation. Based on
10 that familiarity, my opinion is that Mr. Collier's requested hourly rate of \$750 is reasonable for
11 attorneys with his experience, skill, and reputation in the Bay Area. The hourly rate that Mr. Collier is
12 requesting fits the market for lawyers in our community with commensurate years of litigation
13 experience, and the level of experience I have had on plaintiff's employment cases. In fact, given the
14 exceptional skill I have personally observed in Mr. Collier's advocacy and public speaking, his rate is
15 at the low end of the range of what is reasonable for his services.

16 5. Based on my experience and familiarity with the Bay Area plaintiffs' bar, it is my
17 opinion that the overwhelming majority of plaintiffs' attorneys would have been unable and unwilling
18 to accept such a complex, high-risk case involving a low wage worker without the potential for a fee
19 award in the event of victory. The fact that lawyers with skill and experience like plaintiff's counsel
20 took a case such as Mr. Diaz's through trial is a testament to why Congress made attorney's fees
21 available in Title VII cases.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct, and that I executed this declaration on October 16, 2023 in San Francisco,
24 California.
25

26 
27 Stephen P. Brunner
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